

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN T. LAMONT and PRESTON
POULTER,

Plaintiffs,

V.

DEAN ASSAF a/k/a DA TALK,
VICTORIA KUNDERT a/k/a
VIKKIVERSE, and ETHAN VAN
SCIVER,

Defendants.

No. 3:21-cv-1176-K-BN

ORDER SETTING BRIEFING SCHEDULE

Plaintiffs, invoking the Court's diversity jurisdiction, bring this action alleging defamation, slander per se, and cyber and statutory libel. *See* Dkt. No. 1. Defendant Ethan Van Sciver moves to dismiss Plaintiffs' claims against him under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6). *See* Dkt. No. 19. And United States District Judge Ed Kinkeade has referred this case to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b). *See* Dkt. No. 21.

The Court first stays Van Sciver's deadline to serve a responsive pleading to the complaint pending the Court's disposition of his motion. *See* FED. R. CIV. P. 12(a)(4); *see, e.g., FuQua v. Massey*, 615 F. App'x 611, 613 (11th Cir. 2015) (per curiam); *Haffke v. Discover Fin. Servs.*, No. 4:10cv276, 2010 WL 3430853, at *1 (E.D. Tex. Aug. 6, 2010), *rec. adopted*, 2010 WL 3430848 (E.D. Tex. Aug. 27, 2010).

Plaintiffs must file a written response to Van Sciver's motion by **September 13, 2021**. The response must be accompanied by or incorporate a brief, and the

response and the brief shall not together exceed 30 pages in length, excluding any table of contents and table of authorities. And Van Sciver may file a reply brief, but no additional documents, by **September 28, 2021**. The reply shall not exceed 15 pages in length. No supplemental pleadings, briefs, or evidence or other documents may be filed in connection with the motion or response thereto without leave of court.

The deadlines set forth in this order will not be modified except upon written motion for good cause shown. And the Court strongly discourages any request to extend either of these deadlines through a motion that is filed within three business days of the existing deadline and will grant any such motion only upon a showing in the written motion of extraordinary circumstances.

The Court intends to rule on the motion to dismiss based on the parties' written submissions, without hearing oral argument. *See* N.D. TEX. L. CIV. R. 7.1(g) ("Unless otherwise directed by the presiding judge, oral argument on a motion will not be held."). If, while the motion to dismiss is pending, the parties are having serious discussions that might make it unnecessary for the Court to rule on the motion, the parties must immediately advise Shakira Todd in the district clerk's office, at (214) 753-2165, that such discussions are ongoing. And please note that deadlines in this order are for filing or delivery and are not mailing dates.

SO ORDERED.

DATED: August 13, 2021



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE